

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**Compositions and Methods for Reducing Respiratory Depression and Attendant Side Effects of Mu Opioid Compounds**", the specification of which

((check one)) ☐ is attached hereto.  
☒ was filed on July 3, 1997 as Application Serial No. 08/887,312  
☒ and was amended September 19, 1997 and October 2, 1997 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed  
☐ yes ☒ No

\_\_\_\_\_  
 (Number) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this specification is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

08/658,726	June 5, 1996	Pending
(Application Number)	(Filing Date)	(Status-Patented, Pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**STEVEN J. HULTQUIST, REG. NO. 28,021**

All correspondence in connection with this application should be sent to:

Steven J. Hultquist  
Intellectual Property/Technology Law  
P. O. Box 14329  
Research Triangle Park, NC 27709  
Telephone: (919) 419-9350

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor: **KWEN-JEN CHANG**

Inventor's Signature *Kwen-Jen Chang* Date 12-1-97

Residence: 104 Sierra Drive, Chapel Hill, North Carolina 27514

Citizenship: USA

Post Office Address: 104 Sierra Drive, Chapel Hill, North Carolina 27514

Full Name of second inventor: **ROBERT W. McNUTT, JR.**

Inventor's Signature *Robert W. McNutt, Jr.* Date 12-1-97

Residence: 700 Morreene Road, Apt. B-9, Durham, North Carolina 27705

Citizenship: USA

Post Office Address: 700 Morreene Road, Apt. B-9, Durham, North Carolina 27705

Full Name of third inventor: **HUGH O. RETTIG**

Inventor's Signature *Hugh O. Rettig* Date 12/22/97

Residence: 106 Wyatts Pond Lane, Cary, North Carolina 27513

Citizenship: USA

Post Office Address: 106 Wyatts Pond Lane, Cary, North Carolina 27513

Full Name of fourth inventor: **MICHAEL J. BISHOP**

Inventor's Signature *Michael J. Bishop* Date 12-19-97

Residence: 235 Lochridge Drive, Durham, North Carolina 27713

Citizenship: USA

Post Office Address: 235 Lochridge Drive, Durham, North Carolina 27713

# ASSIGNMENT

Kwen-Jen Chang, Robert W. McNutt, Jr., Hugh O. Pettit, and Michael J. Bishop have made an invention described in the U.S. Patent Application entitled:

“Compositions and Methods for Reducing Respiratory Depression and Attendant Side Affects  
of Mu Opioid Compounds”  
(Title of patent application)

We have executed the patent application which is described in U.S. Application No. 08/887,312 filed July 3, 1997 in the United States Patent and Trademark Office.

We assign to Delta Pharmaceuticals, Inc., 104 Sierra Drive, Chapel Hill, NC 27514-1454, all of our ownership and rights in:

- (i) the invention and U.S. Patent Application;
- (ii) U.S. Patents on the invention; and
- (iii) corresponding foreign patent applications and patents.

We are making this assignment based on our employment relationship with Delta Pharmaceuticals, Inc.

We request the Commissioner of Patents and Trademarks of the United States and the appropriate officers of all foreign countries to issue patents on the invention to:

Delta Pharmaceuticals, Inc.  
(Corporate name)

We agree to execute any other legal documents that may be required to effectuate this Assignment.

We agree that we will promptly communicate to Delta Pharmaceuticals, Inc. all facts which come to our attention affecting the invention or patent rights.

We agree that we will testify in any interference or litigation involving the invention or patent rights.

We declare that we have not done anything in conflict with this Assignment.

Kwen Jen Chang  
(Inventor's signature)

1/7/98  
Date

Inventor's name: Kwen-Jen Chang

State of: North Carolina

County of: Durham

Kwen-Jen Chang appeared before me on January 7, 199<sup>8</sup>. He declared to me that he is the person described in this Assignment. He executed this Assignment before me, and declared that his execution was completely voluntarily.

Steven J. Helquist  
Notary Public

(SEAL)

My commission expires: 6-22-98

Robert W. McNutt, Jr.  
(Inventor's signature)

1-7-98  
Date

Inventor's name: Robert W. McNutt, Jr.

State of: North Carolina

County of: Durham

Robert W. McNutt, Jr. appeared before me on 1/7, 199<sup>8</sup>. He declared to me that he is the person described in this Assignment. He executed this Assignment before me, and declared that his execution was completely voluntarily.

Candi L. Riggs  
Notary Public

(SEAL)

My commission expires: My Commission Expires February 27, 2002

[Signature]

(Inventor's signature)

4/7/98

Date

Inventor's name: Hugh O. Pettit

State of: North Carolina

County of: Durham

Hugh O. Pettit appeared before me on January 7<sup>8</sup>, 1997. He declared to me that he is the person described in this Assignment. He executed this Assignment before me, and declared that his execution was completely voluntarily.

[Signature]  
Notary Public Steven J. Hultquist

(SEAL)

My commission expires: 6-22-98

[Signature]

(Inventor's signature)

1/7/98

Date

Inventor's name: Michael J. Bishop

State of: North Carolina

County of: Durham

Michael J. Bishop appeared before me on January 7<sup>8</sup>, 1997. He declared to me that he is the person described in this Assignment. He executed this Assignment before me, and declared that his execution was completely voluntarily.

[Signature]  
Notary Public Steven J. Hultquist

(SEAL)

My commission expires: 6-22-98

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re United States Patent Applications of:**

**Assignee:** Delta Pharmaceuticals, Inc.

**Application Nos.:** 08/098,333  
08/169,879  
08/431,713  
08/431,209  
09/015,645  
09/352,308

**Patent Nos.:** 5,658,908  
5,854,249  
5,681,830  
5,552,404  
5,574,159  
5,807,858  
5,985,880

**Docket Nos.:** 4080-103, 104,  
107, 107 DIV I,  
107 DIV II, 107  
DIV III, 107  
DIV IV, 108,  
108 DIV I, 108  
DIV II, 109,  
109 CIP, 109  
CIP DIV



**23448**

PATENT TRADEMARK OFFICE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, Box ASSIGNMENT, Washington, DC 20231, and Express Mailed under the provisions of 37 CFR 1.10.

*Lee Ann Brown*

Lee Ann Brown

June 4, 2001

Date

EL468271696US

Express Mail Label Number

**SUBMISSION OF CHANGE OF NAME FOR RECORDATION  
TO EFFECT NAME CHANGE OF ASSIGNEE**

**FROM DELTA PHARMACEUTICALS, INC. TO ARDENT PHARMACEUTICALS, INC.  
IN U.S. PATENT APPLICATION NOS. 08/098,333; 08/169,879; 08/431,713; 08/431,209;  
09/015,645; 09/352,308 AND U.S. PATENT NOS. 5,658,908; 5,854,249; 5,681,830; 5,552,404;  
5,574,159; 5,807,858 AND 5,985,880**

Commissioner for Patents  
Box ASSIGNMENT  
Washington, D.C. 20231

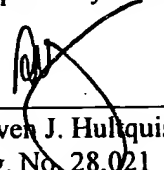
Sir:

Enclosed for Recordation in the assignment records of the U.S. Patent and Trademark Office is a Change of Name to effect the name change of the assignee in the USPTO records for the above-identified applications and patents, from Delta Pharmaceuticals, Inc. to Ardent Pharmaceuticals, Inc.

Also enclosed is a copy of the Articles of Amendment document effecting the name change from Delta Pharmaceuticals, Inc. to Ardent Pharmaceuticals, Inc., as filed in the North Carolina Secretary of State's office on May 14, 2001.

Enclosed herewith is IPTL check number 08194 in the amount of \$520.00, payable to the Commissioner of Patents and Trademarks, as the Assignment recordation fee (\$40) for each of U.S. Patent Application Nos. 08/098,333; 08/169,879; 08/431,713; 08/431,209; 09/015,645; 09/352,308 and U.S. Patent Nos. 5,658,908; 5,854,249; 5,681,830; 5,552,404; 5,574,159; 5,807,858 AND 5,985,880. Please charge any deficiency in payment, and credit any excess payment, to Deposit Account number 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,

  
\_\_\_\_\_  
Steven J. Hultquist  
Reg. No. 28,021  
Attorney for Applicant

**INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW**

P.O. Box 14329

Research Triangle Park, NC 27709

Telephone: (919) 419-9350

Fax: (919) 419-9354

**Attorney Refs:** 4080-103, 104, 107, 107 DIV I, 107 DIV II, 107 DIV III,  
107 DIV IV, 108, 108 DIV I, 108 DIV II, 109, 109 CIP, 109 CIP DIV

SOSID: 0384768  
Date Filed: 5/14/2001 11:55 AM  
Elaine F. Marshall  
North Carolina Secretary of State

ARTICLES OF AMENDMENT

211299101

Pursuant to §55-10-06 of the General Statutes of North Carolina, the undersigned corporation hereby submits the following Articles of Amendment for the purpose of amending its Articles of Incorporation:

1. The name of the corporation is Delta Pharmaceuticals, Inc.

2. The text of each amendment adopted is as follows:

Article 1 is hereby deleted in its entirety and replaced with the following:

Article 1. The name of the corporation is Ardent Pharmaceuticals, Inc.

3. The amendment does not provide for an exchange, reclassification, or cancellation of issued shares.

4. The date of adoption of the amendment was May 7, 2001.

5. The amendment was approved by action of the board of directors and shareholders of the corporation as required by Chapter 55 of the North Carolina General Statutes.

6. These articles will be effective upon filing.

This the 8th day of May, 2001.

Delta Pharmaceuticals, Inc.

By:

  
John C. Lindsey, Assistant Secretary

Drawn by, and return to:  
Daniels & Daniels, P.A.  
P.O. Drawer 12218  
Research Triangle Park, NC 27709-2218  
Attn: Walter B. Daniels

412-222-2222



AUG 25



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 16, 2001

PTAS

STEVEN J. HULTQUIST  
INTELLECTUAL PROPERTY/TECHNOLOGY LAW  
P.O. BOX 14329  
RESEARCH TRIANGLE PARK, NC 27709



\*101744571A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/04/2001

REEL/FRAME: 011855/0671  
NUMBER OF PAGES: 3

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DELTA PHARMACEUTICALS, INC.

DOC DATE: 05/14/2001

ASSIGNEE:  
ARDENT PHARMACEUTICALS, INC.  
P.O. BOX 12278  
RESEARCH TRIANGLE PARK  
NORTH  
CAROLINA  
27709-2278

SERIAL NUMBER: 08098333  
PATENT NUMBER:

FILING DATE: 07/30/1993  
ISSUE DATE:

SERIAL NUMBER: 08169879  
PATENT NUMBER:

FILING DATE: 12/17/1993  
ISSUE DATE:

SERIAL NUMBER: 08431713  
PATENT NUMBER:

FILING DATE: 04/28/1995  
ISSUE DATE:

SERIAL NUMBER: 08431209  
PATENT NUMBER:

FILING DATE: 04/28/1995  
ISSUE DATE:

SERIAL NUMBER: 09015645  
PATENT NUMBER:

FILING DATE: 01/29/1998  
ISSUE DATE:

SERIAL NUMBER: 09352308  
PATENT NUMBER:

FILING DATE: 07/12/1999  
ISSUE DATE:

SERIAL NUMBER: 08284445  
PATENT NUMBER: 5658908

FILING DATE: 08/03/1994  
ISSUE DATE: 08/19/1997

SERIAL NUMBER: 08864667  
PATENT NUMBER: 5854249

FILING DATE: 05/28/1997  
ISSUE DATE: 12/29/1998

SERIAL NUMBER: 08285313  
PATENT NUMBER: 5681830

FILING DATE: 08/03/1994  
ISSUE DATE: 10/28/1997

SERIAL NUMBER: 08431377  
PATENT NUMBER: 5552404

FILING DATE: 04/28/1995  
ISSUE DATE: 09/03/1996

SERIAL NUMBER: 08430677  
PATENT NUMBER: 5574159

FILING DATE: 04/28/1995  
ISSUE DATE: 11/12/1996

SERIAL NUMBER: 08658726  
PATENT NUMBER: 5807858

FILING DATE: 06/05/1996  
ISSUE DATE: 09/15/1998

SERIAL NUMBER: 08887312  
PATENT NUMBER: 5985880

FILING DATE: 07/03/1997  
ISSUE DATE: 11/16/1999

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

6-4-01

06-08-2001




E

-4 2001

Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231

101744571

Attorney Docket Nos. 4080-103, 104, 107, 107 DIV I, 107 DIV II,  
107 DIV III, 107 DIV IV, 108, 108 DIV I,  
108 DIV II, 109, 109 CIP, 109 CIP DIV

<p>1. A. Name of conveying party(ies):</p> <p>Delta Pharmaceuticals, Inc. P.O. Box 12278 Research Triangle Park, NC 27709-2278</p> <p>B. Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. A. Name and address of receiving party(ies):</p> <p>Ardent Pharmaceuticals, Inc. P.O. Box 12278 Research Triangle Park, NC 27709-2278</p> <p>B. Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. A. Nature of conveyance:</p> <p><input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other: _____</p> <p>B. Execution Date: <u>May 14, 2001</u></p>	
<p>4. A. If this document is being filed together with a new application, the execution date of the application is: _____</p> <p>B. Patent Application No.(s) (08/098,333)</p> <p>C. Patent Nos.(s) 5,658,908</p> <p>D. Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: Steven J. Hultquist Address: Intellectual Property/Technology Law P.O. Box 14329 Research Triangle Park, NC 27709</p>	<p>7. A. Total fee (37 CFR 3.41) \$ 520.00</p> <p><input checked="" type="checkbox"/> Enclosed (check to Commissioner of Patents and Trademarks)</p> <p><input type="checkbox"/> Authorized to be charged to deposit account No. _____</p>
<p>6. Total number of applications and patents involved: <u>13</u></p>	<p>8. Credit any overpayment or charge any underpayment to Deposit Account Number 08-3284 of Intellectual Property/Technology Law.</p>
<p>DO NOT USE THIS SPACE</p>	
<p>9. Statement and signature.</p> <p><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <p> Steven J. Hultquist Registration No. 28,021</p> <p>Date: June 4, 2001</p> <p>Total number of pages including cover sheet, attachments, and document: 3</p> <p>Continued on Page 2 of 2</p>	

## 4. B and C. Additional numbers below:

Additional Patent Application No(s).	Additional Patent No(s).
08/169,879	5,854,249
08/431,713	5,681,830
08/431,209	5,552,404
09/015,645	5,574,159
09/352,308	5,807,858
	5,985,880